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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)	
W.A. DREW EDMONDSON, in his)	
capacity as ATTORNEY GENERAL)	
OF THE STATE OF OKLAHOMA,)	
et al.)	
)	
Plaintiffs,)	
)	
V.)	No. 05-CV-329-GKF-SAJ
)	
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
MARCH 11, 2008
PRELIMINARY INJUNCTION HEARING
VOLUME VIII

BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

APPEARANCES:

<u>For the Plaintiffs:</u>	Mr. Drew Edmondson
	Attorney General
	Mr. Robert Nance
	Mr. Daniel Lennington
	Ms. Kelly Hunter Burch
	Mr. Trevor Hammons
	Assistant Attorneys General
	313 N.E. 21st Street
	Oklahoma City, Oklahoma 73105

Glen R. Dorrough
UNITED STATES COURT REPORTER

EXHIBIT

7

2013

1 Q. "To your knowledge do you know of any Simmons Growers in
2 the Illinois River Watershed who have caused poultry discharge
3 into the waters of the state of Oklahoma?

4 A. "No, I'd have to say the same thing that I -- I said to
5 her. I -- I'm sure with as many Simmons people I have they
6 have had complaints against them for that purpose, but I'm not
7 aware of any right now.

8 Q. "And to your knowledge have any Simmons growers polluted
9 or contaminated the waters of the state of Oklahoma?

10 A. "Not -- not to my knowledge."

11 MR. ELROD: We tender the witness for -- I guess it
12 would be cross-examination.

13 THE COURT: Cross-examination.

14 MR. NANCE: We call John Littlefield for
15 Cross-Examination.

16 JOHN LITTLEFIELD

17 Called as a witness on behalf of the defendants, being first
18 duly sworn, testified as follows:

19 CROSS-EXAMINATION

20 BY MR. NANCE:

21 Q. Mr. Littlefield, as an inspector for the Oklahoma
22 Department of Agriculture, are you familiar with the part of
23 the Oklahoma law that makes it illegal for poultry waste to
24 cause runoff or discharge into the waters of the state?

25 A. Yes.

2016

1 A. Once'd a year.

2 Q. And on average about how long are you out at a site when
3 you are doing an inspection?

4 A. Approximately one hour.

5 Q. All right, sir. Do you ever wear any sort of protective
6 gear when you do that?

7 A. Yes, I have.

8 Q. And what kind of gear do you wear?

9 A. Some boots, plastic boots.

10 Q. Why do you sometimes wear plastic boots when you go out
11 and do an inspection?

12 A. Not to pass something on to the next farm that I'm going
13 to go to, I guess.

14 Q. For a biosecurity concern for --

15 A. Yes, for biosecurity concern, yes, sir.

16 Q. Is that concern for the birds or concern for people?

17 A. The birds.

18 Q. What does a person have to pay annually to register their
19 poultry growing operation with the Department of Agriculture?

20 A. \$10.

21 Q. And about how many registered poultry growing operations
22 are there in the state of Oklahoma?

23 A. Approximately 850.

24 Q. Mr. Littlefield, have you ever had instances in which
25 growers have not been completely honest with you when you go

2017

1 out and do an inspection?

2 A. Yes, I've had a few.

3 Q. And generally what have they not been honest with you
4 about?

5 A. About where they've applied litter or how much they've
6 applied.

7 Q. Now, is it also part of your job to look into complaints
8 that are made about poultry growing operations?

9 A. Yes, sir.

10 Q. And about how many complaints do you look into a year?

11 A. Approximately 30 or 40.

12 Q. Do you take complaints from people on the street or in the
13 coffee shop or whatever or are they complaints that come down
14 to you from the Department of Agriculture?

15 A. They come down from the Department of Agriculture.

16 Q. What kind of complaints is it that you look into?

17 A. Well contamination. Spreading litter too close to the
18 creeks, ponds. Odor, primarily all of them is odor related.

19 Q. Mr. Littlefield, do you routinely take soil samples from
20 the poultry operations?

21 A. Yes.

22 Q. I mean --

23 A. Occasionally.

24 Q. Occasionally, okay. And is that something that you do on
25 your own or is it something that you're asked to do by the